



General Assembly

Amendment

January Session, 2007

LCO No.9081

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Offered by:

REP. LAWLOR, 99th Dist.

SEN. MCDONALD, 27th Dist.

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SEN. KISSEL, 7th Dist.

To: Subst. Senate Bill No. **1479**

File No. 628

Cal. No. 649

"AN ACT CONCERNING RULES OF COURT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 51-14 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 (a) The judges of the Supreme Court, the judges of the Appellate
6 Court, and the judges of the Superior Court shall adopt and
7 promulgate and may from time to time modify or repeal rules and
8 forms regulating pleading, practice and procedure and rules of
9 evidence in judicial proceedings in courts in which they have the
10 constitutional authority to make rules, for the purpose of simplifying
11 proceedings in the courts and of promoting the speedy and efficient
12 determination of litigation upon its merits. The rules of the Appellate
13 Court shall be as consistent as feasible with the rules of the Supreme

14 Court to promote uniformity in the procedure for the taking of appeals
15 and may dispense, so far as justice to the parties will permit while
16 affording a fair review, with the necessity of printing of records and
17 briefs. Such rules shall not abridge, enlarge or modify any substantive
18 right nor the jurisdiction of any of the courts. [Subject to the provisions
19 of subsection (b), such rules shall become effective on such date as the
20 judges specify but not in any event until sixty days after such
21 promulgation.]

22 [(b) All statutes relating to pleading, practice and procedure in
23 existence on July 1, 1957, shall be deemed to be rules of court and shall
24 remain in effect as such only until modified, superseded or suspended
25 by rules adopted and promulgated by the judges of the Supreme Court
26 or the Superior Court pursuant to the provisions of this section. The
27 Chief Justice shall report any such rules to the General Assembly for
28 study at the beginning of each regular session. Such rules shall be
29 referred by the speaker of the House or by the president of the Senate
30 to the judiciary committee for its consideration and such committee
31 shall schedule hearings thereon. Any rule or any part thereof
32 disapproved by the General Assembly by resolution shall be void and
33 of no effect and a copy of such resolution shall thereafter be published
34 once in the Connecticut Law Journal.]

35 [(c)] (b) The judges or a committee of their number shall hold public
36 hearings, of which reasonable notice shall be given in the Connecticut
37 Law Journal and otherwise as they deem proper, upon any proposed
38 new rule or any change in an existing rule that is to come before said
39 judges for action, and each such proposed new rule or change in an
40 existing rule shall be published in the Connecticut Law Journal as a
41 part of such notice. A public hearing shall be held at least once a year,
42 of which reasonable notice shall likewise be given, at which any
43 member of the bar or layman may bring to the attention of the judges
44 any new rule or change in an existing rule that he deems desirable.

45 [(d) Upon the taking effect of such rules adopted and promulgated
46 by the judges of the Supreme Court pursuant to the provisions of this

47 section, all provisions of rules theretofore promulgated by the judges
48 of the Superior Court shall be deemed to be repealed.]

49 (c) Whenever the rules committee of the Superior Court or the
50 appellate rules committee proposes a new rule or a change in an
51 existing rule, the chairperson of the committee shall forward such
52 proposed new rule or change in an existing rule to the judiciary
53 committee of the General Assembly for review and comment. Not later
54 than thirty days after receipt of such proposed new rule or change in
55 an existing rule, the judiciary committee may forward any comments it
56 may have with respect to such proposed new rule or change in an
57 existing rule to the chairperson of the rules committee. Such
58 chairperson shall distribute any such comments to the judges of the
59 Superior Court, Appellate Court or Supreme Court, as the case may be,
60 at the meeting of such judges held to adopt such proposed new rule or
61 change in an existing rule.

62 (d) Any meeting of the judges of the Superior Court, Appellate
63 Court or Supreme Court held to adopt any proposed new rule or
64 change in an existing rule shall be held not less than thirty days after
65 such proposed rule or change was forwarded to the judiciary
66 committee of the General Assembly pursuant to subsection (c) of this
67 section. Any proposed new rule or change in an existing rule that is
68 adopted by such judges at such meeting shall be promptly forwarded
69 by the chairperson of the appropriate rules committee to the judiciary
70 committee of the General Assembly. Such rule or change shall not
71 become effective earlier than ninety days after the date it is forwarded
72 to the judiciary committee.

73 (e) Within said ninety-day period the judiciary committee may meet
74 to review such new rule or change in an existing rule. The judiciary
75 committee may vote to inform the judges in writing of any concerns it
76 may have with respect to the new rule or change in an existing rule
77 and that if the judges do not revise such new rule or change in an
78 existing rule, such rule or change shall not become effective until the
79 end of the next regular session of the General Assembly.

80 (f) If the judiciary committee informs the judges of concerns it has
81 with respect to a new rule or change in an existing rule as provided in
82 subsection (e) of this section, the judges may, not later than ninety days
83 thereafter, meet and reconsider their adoption of the new rule or
84 change in an existing rule. If the judges reconsider the adoption of
85 such rule or change and decide to make no revisions thereto, the
86 judges shall report such decision to the judiciary committee and such
87 rule or change shall not become effective until the end of the next
88 regular session of the General Assembly. If the judges reconsider the
89 adoption of such rule or change and decide to make revisions thereto,
90 the judges shall promptly forward the revised rule to the judiciary
91 committee. Such revised rule shall not become effective earlier than
92 thirty days after the date it is forwarded to the judiciary committee.

93 (g) Within said thirty-day period the judiciary committee may meet
94 to review such revised rule. If, within said thirty-day period, the
95 judiciary committee meets and votes to inform the judges that it has
96 concerns with the revised rule, the revised rule shall not become
97 effective until the end of the next regular session of the General
98 Assembly.

99 (h) Notwithstanding the provisions of subsections (c) to (g),
100 inclusive, of this section, the judges of the Superior Court, Appellate
101 Court or Supreme Court may adopt a new rule or a change in an
102 existing rule without complying with the procedures set forth in said
103 subsections if the judges determine that extraordinary circumstances
104 exist requiring the immediate adoption and promulgation of such rule
105 or change. Such rule or change shall become effective on such date as
106 the judges specify and shall be in effect for the period specified therein
107 but in no event for a period longer than one year from the date of its
108 adoption unless such rule or change is forwarded to the judiciary
109 committee of the General Assembly and the provisions of subsections
110 (c) to (g), inclusive, of this section are complied with.

111 Sec. 2. Section 51-44a of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2007*):

113 (a) There is established a Judicial Selection Commission comprised
114 of twelve members. Six of the members shall be attorneys-at-law and
115 six of the members shall not be attorneys-at-law. Not more than six of
116 the members shall belong to the same political party. None of the
117 members shall be an elected or appointed official of the state or hold
118 state-wide office in a political party.

119 (b) The members of the commission shall be appointed as follows:
120 The Governor shall appoint six members, one from each congressional
121 district and one at-large member, three of whom shall be attorneys-at-
122 law and three of whom shall not be attorneys-at-law; the president pro
123 tempore of the Senate shall appoint one member who shall be an
124 attorney-at-law; the speaker of the House of Representatives shall
125 appoint one member who shall not be an attorney-at-law; the majority
126 leader of the Senate shall appoint one member who shall not be an
127 attorney-at-law; the majority leader of the House of Representatives
128 shall appoint one member who shall be an attorney-at-law; the
129 minority leader of the Senate shall appoint one member who shall not
130 be an attorney-at-law; and the minority leader of the House of
131 Representatives shall appoint one member who shall be an attorney-at-
132 law.

133 (c) The members of the commission shall elect a chairperson from
134 among the members appointed by the Governor.

135 (d) (1) The members of the commission shall serve for terms of three
136 years.

137 (2) Members appointed on or after June 26, 2003, shall serve for
138 terms of three years and, notwithstanding the provisions of section 4-1,
139 until their successors are appointed and have qualified or ninety days
140 after the completion of their terms, whichever is earlier.

141 (3) Members serving on June 26, 2003, shall continue to serve as
142 members until the end of their terms and, notwithstanding the
143 provisions of section 4-1, until their successors are appointed and have
144 qualified or ninety days after the completion of their terms, whichever

145 is earlier, except that members serving on June 26, 2003, who have
146 completed their terms and are serving until their successors are
147 appointed and have qualified shall, notwithstanding the provisions of
148 section 4-1, continue to serve until their successors are appointed and
149 have qualified, but not later than January 1, 2004.

150 (4) Any vacancy in the membership of the commission shall be filled
151 for the unexpired portion of the term by the appointing authority. The
152 members of the commission shall receive no compensation for their
153 services but shall be reimbursed for any necessary expenses incurred
154 in the performance of their duties.

155 (5) No member of the commission may serve consecutive terms,
156 except that if, on or after June 26, 2003, a person is appointed a
157 member of the commission to fill a vacancy and complete an
158 unexpired term, such person may serve an additional term. If a
159 commission member is an attorney, no member of the commission
160 member's firm may serve a term consecutive to such commission
161 member.

162 (e) The commission shall evaluate incumbent judges who seek
163 reappointment to the same court, and incumbent state referees who
164 seek reappointment, and shall forward to the Governor for
165 consideration the names of incumbent judges and state referees who
166 are recommended for reappointment as provided in this subsection.
167 The commission shall adopt regulations, in accordance with the
168 provisions of chapter 54, concerning criteria by which to evaluate
169 incumbent judges who seek reappointment to the same court [;
170 provided pending adoption of such regulations, the commission shall
171 use criteria established prior to June 22, 1989, for the evaluation of such
172 judges] and incumbent state referees who seek reappointment. In
173 evaluating the reappointment of an incumbent judge or state referee,
174 the commission shall consider the legal ability, competence, integrity,
175 character and temperament of such judge or state referee and any
176 other relevant information concerning such judge or state referee.
177 There shall be a presumption that each incumbent judge or state

178 referee who seeks reappointment to the same court qualifies for
179 retention in judicial office. The burden of rebutting such presumption
180 shall be on the commission. The commission shall investigate and
181 interview each incumbent judge and state referee who seeks
182 reappointment and, prior to the expiration of a term of office of such
183 judge or state referee, shall recommend such incumbent judge or state
184 referee for nomination for reappointment by the Governor [to the same
185 court] unless, as provided in this subsection, recommendation of such
186 judge or state referee is denied. If a preliminary examination indicates
187 further inquiry is necessary before a recommendation of
188 reappointment may be made, the commission shall hold a hearing
189 concerning the reappointment of such judge or state referee. The
190 commission shall send notice to the judge or state referee by certified
191 or registered mail, return receipt requested, not less than one hundred
192 eighty days prior to the convening of such legislative session which is
193 to consider the reappointment of the incumbent judge or state referee,
194 (A) that a hearing by the commission on such reappointment shall be
195 held and of the time, date and place of such hearing, which shall be not
196 less than thirty days [nor] or more than forty-five days after the date of
197 such notice, and (B) of specific claims made against the judge or state
198 referee. The commission shall make a record of all hearings conducted
199 pursuant to this subsection. The hearing may be open to the public at
200 the request of the judge or state referee. For the purposes of
201 conducting a hearing under this subsection, not less than ten members
202 of the commission shall be present and voting. A judge or state referee
203 appearing before such a hearing shall be entitled to counsel, to present
204 evidence and to cross-examine witnesses who appear voluntarily. No
205 judge or state referee shall be required to sign or execute any release in
206 order to proceed with the hearing. The commission shall, not later than
207 twenty days after the close of such hearing, render its decision whether
208 it shall recommend such incumbent judge or state referee for
209 nomination for reappointment by the Governor. Any affirmative vote
210 of a majority plus one of the members present and voting shall be
211 required to deny recommendation to the Governor for nomination of
212 an incumbent judge to the same court or an incumbent state referee. A

213 judge or state referee who has not received approval by the
214 commission may, within ten days after receipt of the notice of decision,
215 which shall include a record of the numerical vote, request a rehearing
216 on the grounds that the conclusions of the commission are contrary to
217 the evidence presented at the hearing or the commission failed to
218 comply with the procedural or substantive requirements of this
219 section. The decision of the commission shall be final. There shall be no
220 right of appeal by any judge or state referee appearing before the
221 commission, at law or in equity, or any resort to any court following
222 the decision of the commission.

223 (f) Except as provided in subsection (e) of this section, the
224 commission shall seek qualified candidates for consideration by the
225 Governor for nomination as judges for the Superior Court, Appellate
226 Court and Supreme Court. The commission shall adopt regulations, in
227 accordance with the provisions of chapter 54, concerning criteria by
228 which to evaluate the qualifications of candidates, including
229 incumbent judges who seek appointment to a different court. The
230 commission shall investigate and interview the candidates, including
231 incumbent judges seeking appointment to a different court. A list of
232 such qualified candidates shall be compiled by the commission. Such
233 list shall be confidential and not open to the public or subject to
234 disclosure, except that the names of qualified candidates for the
235 position of associate judge or Chief Justice of the Supreme Court shall
236 be available to the public.

237 (g) The commission shall establish and maintain an Internet web
238 site. The commission shall post on the web site the address and
239 telephone number of the commission's office, the electronic mail
240 address for the commission and information concerning the duties and
241 procedures of the commission. Such information shall include, but not
242 be limited to, the procedure for filing an application to become a judge
243 of the Superior Court, Appellate Court or Supreme Court and a copy
244 of the application form.

245 (h) The commission shall give notice of the time and place of its

246 meetings, and make the agendas for such meetings available to the
247 public, in accordance with the provisions of chapter 14, except that an
248 agenda made available to the public shall not contain any personally
249 identifiable information that might identify candidates, incumbent
250 judges seeking appointment to the same court or appointment to a
251 different court or incumbent state referees seeking reappointment. The
252 commission shall post such notices and agendas on its Internet web
253 site and provide such notices and agendas to the cochairpersons of the
254 joint standing committee of the General Assembly having cognizance
255 of matters relating to the judiciary.

256 [(g)] (i) In connection with any inquiry concerning the
257 reappointment of an incumbent judge or state referee, the commission
258 shall have the power to issue subpoenas requiring the attendance of
259 witnesses and the production of any books or papers which in the
260 judgment of the commission are relevant to the inquiry. The
261 commission may, upon request of the judge or state referee whose
262 reappointment is at issue, issue a subpoena on behalf of such judge or
263 state referee. If any person disobeys such process or, having appeared
264 in obedience thereto, refuses to answer any pertinent question put to
265 [him] such person by the commission [,] or to produce any books and
266 papers pursuant thereto, the commission, on its own behalf or on
267 behalf of the judge or state referee, may apply to the superior court for
268 the judicial district of Hartford setting forth such disobedience to
269 process or refusal to answer, and [said] the court may cite such person
270 to appear before [said] the court to answer such question or to produce
271 such books and papers and, upon [his] such person's refusal so to do,
272 shall commit [him] such person to a community correctional center,
273 there to remain until [he] such person so testifies.

274 [(h)] (j) (1) Judges of all courts, except those courts to which judges
275 are elected, shall be nominated by the Governor exclusively from the
276 list of candidates or incumbent judges submitted by the Judicial
277 Selection Commission. Any candidate or incumbent judge who is
278 nominated from such list by the Governor to be Chief Justice of the
279 Supreme Court, and who is appointed Chief Justice by the General

280 Assembly, shall serve a term of eight years from the date of
281 appointment. The Governor shall nominate a candidate for a vacancy
282 in a judicial position within forty-five days of the date the Governor
283 receives the recommendations of the commission. When considering
284 the nomination of an incumbent judge for reappointment to the same
285 court, the Governor may nominate the incumbent judge if the
286 commission did not deny recommendation for reappointment.
287 Whenever an incumbent judge is denied recommendation for
288 reappointment to the same court by the commission or is
289 recommended by the commission but not nominated by the Governor
290 for reappointment to the same court, or whenever a vacancy in a
291 judicial position occurs or is anticipated, the Governor shall choose a
292 nominee from the list of candidates compiled pursuant to subsection
293 (f) of this section.

294 (2) Notwithstanding the provisions of subdivision (1) of this
295 subsection and subsection (f) of this section, the Governor may
296 nominate an associate judge of the Supreme Court to be Chief Justice
297 of the Supreme Court without such judge being investigated and
298 interviewed by the commission and being on the list of qualified
299 candidates compiled and submitted to the Governor by the
300 commission. An associate judge of the Supreme Court who has been
301 nominated by the Governor to be Chief Justice of the Supreme Court in
302 accordance with this subdivision, and who is appointed Chief Justice
303 by the General Assembly, shall serve an initial term as Chief Justice
304 equal to the remainder of such judge's term as an associate judge of the
305 Supreme Court.

306 (3) When considering the nomination of an incumbent state referee
307 for reappointment, the Governor may nominate the incumbent state
308 referee if the commission did not deny recommendation for
309 reappointment.

310 [(i)] (k) A majority of the membership of the commission shall
311 constitute a quorum. The affirmative vote of at least a majority of the
312 members of the commission present and voting shall be required for

313 any action by the commission, except (1) an affirmative vote of at least
314 a majority plus one of the members present and voting shall be
315 required for a new nominee to be recommended to the Governor for
316 nomination as a judge or for an incumbent judge to be recommended
317 to the Governor for nomination as a judge to a different court, and (2)
318 an affirmative vote of a majority plus one of the members present and
319 voting shall be required to deny recommendation to the Governor for
320 nomination of an incumbent judge to the same court or for nomination
321 of a state referee for reappointment. No vote of the commission on a
322 new nominee shall be by secret ballot. The vote of the commission on
323 an incumbent judge or state referee may be by secret ballot.

324 [(j)] (l) Except as provided in subsections (e), [and (m)] (f), (h) and
325 (o) of this section, the investigations, deliberations, files and records of
326 the commission shall be confidential and shall not be open to the
327 public or subject to disclosure, except that the criteria by which
328 candidates, [or] incumbent judges who seek reappointment to the
329 same court or appointment to a different court or incumbent state
330 referees who seek reappointment are evaluated and the procedural
331 rules adopted by the commission shall be public.

332 [(k)] (m) The commission may employ such staff as is necessary for
333 the performance of its functions and duties.

334 [(l)] (n) No member of the commission who is an attorney-at-law
335 shall be considered for recommendation to the Governor for
336 nomination as a judge during [his] such member's tenure on the
337 commission or for a period of two years following the termination of
338 [his] such member's tenure on the commission.

339 [(m)] (o) In January of each year, the chairperson of the commission
340 shall report to the joint standing committee [on] of the General
341 Assembly having cognizance of matters relating to the judiciary the
342 following information: (1) The number of candidates interviewed for
343 appointment as new nominees, the number of incumbent judges
344 interviewed for reappointment to the same court, [and] the number of

345 incumbent judges interviewed for appointment to a different court and
346 the number of incumbent state referees interviewed for reappointment,
347 (2) the number of candidates who were recommended and denied
348 recommendation to the Governor as new nominees, the number of
349 incumbent judges recommended and denied recommendation for
350 appointment to the same court, [and] the number of incumbent judges
351 recommended and denied recommendation for appointment to a
352 different court and the number of incumbent state referees
353 recommended and denied recommendation for reappointment, and (3)
354 the statistics regarding the race, gender, national origin, religion and
355 years of experience as members of the bar of all such candidates.

356 [(n)] (p) The commission [shall have the power to] may enter into
357 such contractual agreements as may be necessary for the discharge of
358 its duties concerning the investigation of candidates seeking
359 appointment to a judicial position, [and] incumbent judges seeking
360 reappointment to the same court or appointment to a different court
361 and incumbent state referees seeking reappointment, within the limits
362 of appropriated funds and in accordance with established procedures.

363 Sec. 3. Subsection (a) of section 51-50l of the general statutes is
364 repealed and the following is substituted in lieu thereof (*Effective*
365 *October 1, 2007*):

366 (a) Each senior judge who ceases to hold office as a senior judge
367 because of having reached the age of seventy years and who is an
368 elector and a resident of this state shall be a state referee for the
369 remainder of [his] such senior judge's term of office as a judge and
370 shall be eligible for appointment as a state referee during the
371 remainder of [his] such senior judge's life in the manner prescribed by
372 law for the appointment of a judge of the court of which [he] such
373 senior judge is a member, subject to the provisions of section 51-44a, as
374 amended by this act.

375 Sec. 4. Subsection (a) of section 52-434 of the general statutes is
376 repealed and the following is substituted in lieu thereof (*Effective*

377 October 1, 2007):

378 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
379 Court, each judge of the Superior Court and each judge of the Court of
380 Common Pleas who ceases or has ceased to hold office because of
381 retirement_z other than under the provisions of section 51-49_z and who
382 is an elector and a resident of this state shall be a state referee for the
383 remainder of such judge's term of office as a judge and shall be eligible
384 for appointment as a state referee during the remainder of such judge's
385 life in the manner prescribed by law for the appointment of a judge of
386 the court of which such judge is a member, subject to the provisions of
387 section 51-44a, as amended by this act. The Superior Court may refer
388 any civil [.] nonjury case or with the written consent of the parties or
389 their attorneys, any civil jury case pending before the court in which
390 the issues have been closed to a judge trial referee who shall have and
391 exercise the powers of the Superior Court in respect to trial, judgment
392 and appeal in the case, and any proceeding resulting from a demand
393 for a trial de novo pursuant to subsection (e) of section 52-549_z may be
394 referred without the consent of the parties to a judge trial referee who
395 has been specifically designated to hear such proceedings pursuant to
396 subsection (b) of this section. The Superior Court may, with the
397 consent of the parties or their attorneys, refer any criminal case to a
398 judge trial referee who shall have and exercise the powers of the
399 Superior Court in respect to trial, judgment, sentencing and appeal in
400 the case, except that the Superior Court may, without the consent of
401 the parties or their attorneys, (A) refer any criminal case, other than a
402 criminal jury trial, to a judge trial referee assigned to a geographical
403 area criminal court session, and (B) refer any criminal case, other than
404 a class A or B felony or capital felony, to a judge trial referee to preside
405 over the jury selection process and any voir dire examination
406 conducted in such case, unless good cause is shown not to refer.

407 (2) Each judge of the Circuit Court who has ceased to hold office
408 because of retirement_z other than under the provisions of section 51-49_z
409 and who is an elector and a resident of this state shall be a state referee
410 for the remainder of such judge's term of office as a judge and shall be

411 eligible for appointment as a state referee during the remainder of such
412 judge's life in the manner prescribed by law for the appointment of a
413 judge of the court of which such judge is a member, subject to the
414 provisions of section 51-44a, as amended by this act, to whom the
415 Superior Court may, with the written consent of the parties or their
416 attorneys, refer any case pending in court in which the issues have
417 been closed and which the judges of the Superior Court may establish
418 by rule to be the kind of case which may be heard by such referees
419 who have been appointed judge trial referees pursuant to subsection
420 (b) of this section. The judge trial referee shall hear any such case so
421 referred and report the facts to the court by which the case was
422 referred.

423 (3) Each judge of the Juvenile Court who ceases or has ceased to
424 hold office because of retirement, other than under the provisions of
425 section 51-49, and who is an elector and a resident of this state shall be
426 a state referee for the remainder of such judge's term of office as a
427 judge and shall be eligible for appointment as a state referee during the
428 remainder of such judge's life in the manner prescribed by law for the
429 appointment of a judge of the court of which such judge is a member,
430 subject to the provisions of section 51-44a, as amended by this act, to
431 whom a judge before whom any juvenile matter is pending may, with
432 the written consent of the child concerned, either of such child's
433 parents, or such child's guardian or attorney, refer any juvenile matter
434 pending, provided such referee has been appointed a judge trial
435 referee specifically designated to hear juvenile cases pursuant to
436 subsection (b) of this section. The judge trial referee shall hear any
437 matter so referred and report the facts to the court for the district from
438 which the matter was referred.

439 (4) In addition to the judge trial referees who are appointed
440 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
441 Justice may appoint, from qualified members of the bar of the state,
442 who are electors and residents of this state, as many state referees as
443 the Chief Justice may from time to time deem advisable or necessary.
444 No appointment of a member of the bar may be for a term of more

445 than three years. Notwithstanding the provisions of subsection (f) of
446 this section, state referees appointed by the Chief Justice from
447 members of the bar shall receive such reasonable compensation and
448 expenses as may be determined by the Chief Justice. The Superior
449 Court may appoint a state referee pursuant to this subdivision to take
450 such evidence as it directs in any civil [.] nonjury case including, but
451 not limited to, appeals under section 8-8. Any such state referee shall
452 report on such evidence to the court with any findings of fact. The
453 report shall constitute a part of the proceeding upon which the
454 determination of the court shall be made.

455 Sec. 5. Section 51-51k of the general statutes is repealed and the
456 following is substituted in lieu thereof (*Effective October 1, 2007*):

457 (a) There is hereby established a Judicial Review Council to be
458 composed of the following members: (1) Three judges of the Superior
459 Court, who are not also judges of the Supreme Court, who shall be
460 appointed by the Governor, from a list of six judges selected by the
461 members of the Superior Court, with the approval of the General
462 Assembly, (2) three attorneys-at-law admitted to practice in this state,
463 who shall be appointed by the Governor with the approval of the
464 General Assembly, (3) six persons who are not judges or attorneys-at-
465 law, who shall be appointed by the Governor with the approval of the
466 General Assembly, and (4) thirteen alternate members who shall be
467 appointed by the Governor with the approval of the General
468 Assembly, as follows: (A) Two judges of the Superior Court who are
469 not also judges of the Supreme Court, from a list of four judges
470 selected by the members of the Superior Court, (B) two attorneys-at-
471 law admitted to practice in this state, (C) three persons who are not
472 judges or attorneys-at-law, (D) three compensation commissioners and
473 (E) three family support magistrates.

474 (b) An alternate member who is a judge, attorney-at-law or person
475 who is not a judge or attorney-at-law shall serve at probable cause
476 hearings and public hearings in lieu of a member who is a judge,
477 attorney-at-law or person who is not a judge or attorney-at-law,

478 respectively, when such member is absent or disqualified, as
479 designated by the executive director of the council. An alternate
480 member who is a compensation commissioner shall serve as a member
481 of the council in lieu of one of the members who is a judge of the
482 Superior Court, as designated by the executive director, when the
483 subject of a complaint or investigation is a compensation
484 commissioner. An alternate member who is a family support
485 magistrate shall serve as a member of the council in lieu of one of the
486 members who is a judge of the Superior Court, as designated by the
487 executive director, when the subject of a complaint or investigation is a
488 family support magistrate. An alternate member shall have the same
489 power as the member he or she is temporarily replacing during the
490 absence or disqualification of the member.

491 (c) On and after December 1, 1992, members shall be appointed in
492 accordance with subsection (a) as follows: One judge shall be
493 appointed for a term of two years, one judge shall be appointed for a
494 term of three years and one judge shall be appointed for a term of four
495 years; one attorney shall be appointed for a term of two years, one
496 attorney shall be appointed for a term of three years and one attorney
497 shall be appointed for a term of four years; two lay members shall be
498 appointed for terms of two years, two lay members shall be appointed
499 for terms of three years, and two lay members shall be appointed for
500 terms of four years. Thereafter members shall serve for terms of four
501 years. Members may continue in office until a successor is appointed
502 and qualified. No member appointed on or after December 1, 1992,
503 may serve consecutive terms, and if the member is an attorney, no
504 member of his or her firm may serve a term consecutive to such
505 member, provided no member may serve for more than two terms.
506 Vacancies on the council shall be filled for the unexpired portion of
507 any term in the same manner as the original appointment. Any
508 member who is a judge, family support magistrate or compensation
509 commissioner and retires from full-time active service as a judge,
510 family support magistrate or compensation commissioner shall
511 automatically cease to be a member of the council, and a vacancy shall

512 be deemed to occur. Alternate members shall be appointed for terms of
513 three years and shall not serve consecutive terms as alternate
514 members.

515 (d) No member of the council, except a judge, family support
516 magistrate or compensation commissioner, may hold any elected or
517 appointed position with compensation within the state or United
518 States, or be a selectman or chief executive officer of any municipality,
519 or a full or part-time employee of the Judicial Department or Workers'
520 Compensation Commission, or a member of a national or state central
521 committee, or a chairperson of any political party.

522 (e) (1) The Judicial Review Council shall employ an executive
523 director and such other staff as is necessary for the performance of its
524 functions and duties.

525 (2) The executive director may investigate any complaint filed
526 pursuant to section 51-51l, as amended by this act, and present
527 evidence obtained pursuant to any such investigation to the council.

528 (f) The Judicial Review Council shall develop a concise brochure
529 written in plain language to provide the public with information
530 concerning the purpose, authority, jurisdiction and process of the
531 Judicial Review Council. The council shall distribute the brochure to all
532 court administrative offices and to any person who files a complaint
533 pursuant to section 51-51l.

534 (g) The Judicial Review Council shall establish and maintain an
535 Internet web site. The council shall post on the web site the address
536 and telephone number of the council's office, the electronic mail
537 address for the council and information concerning the purpose,
538 authority, jurisdiction and process of the council. Such information
539 shall include, but not be limited to, the procedure for filing a complaint
540 against a judge, compensation commissioner or family support
541 magistrate, a copy of the complaint form, the statutory grounds for the
542 censure, suspension or removal from office of a judge, compensation
543 commissioner or family support magistrate, the code of judicial

544 conduct or a link thereto, relevant statutory and regulatory provisions
545 or a link thereto, the process of investigating and disposing of
546 complaints and the dispositions available to the council.
547 Notwithstanding the availability of the complaint form on the web site,
548 no complaint may be filed electronically. The judicial branch web site
549 shall include a link to the Judicial Review Council web site under the
550 heading "Complaints against Judges".

551 (h) The council shall give notice of the time and place of its
552 meetings, and make the agendas for such meetings available to the
553 public, in accordance with the provisions of chapter 14 except that an
554 agenda made available to the public shall not contain any personally
555 identifiable information that might identify the respondent unless the
556 meeting takes place after the council has found that probable cause
557 exists that the respondent is guilty of conduct under section 51-51i. The
558 council shall post such notices and agendas on its Internet web site and
559 provide such notices and agendas to the cochairpersons of the joint
560 standing committee of the General Assembly having cognizance of
561 matters relating to the judiciary.

562 (i) Upon the request of any person subject to the provisions of this
563 chapter and the concurring vote of a majority of the members of the
564 council present and voting, the council shall issue advisory opinions
565 with regard to whether conduct contemplated by such person would
566 be conduct under section 51-51i that could subject such person to
567 admonishment, censure, suspension or removal from office under this
568 chapter. The council shall publish such advisory opinions in the
569 Connecticut Law Journal. Advisory opinions rendered by the council,
570 until amended or revoked, shall be binding on the council and shall be
571 deemed to be final decisions of the council for purposes of appeal to
572 the Supreme Court. The Supreme Court shall uphold the decision of
573 the council in issuing the advisory opinion unless it finds that the
574 decision was arbitrary, capricious or characterized by abuse of
575 discretion or clearly unwarranted exercise of discretion. Any advisory
576 opinion concerning any person subject to the provisions of this chapter
577 who requested the opinion and who acted in reliance thereon, in good

578 faith, shall be binding upon the council, and it shall be an absolute
579 defense in any proceeding brought under the provisions of this chapter
580 that the respondent acted in reliance upon such advisory opinion.

581 [(g)] (j) The Judicial Review Council shall submit to the Governor,
582 the Judicial Department, the joint standing committee of the General
583 Assembly having cognizance of matters relating to the Judicial Review
584 Council, and the judges of the Superior Court annually on or before
585 September first, a report of its activities for the previous fiscal year,
586 including the number of complaints received and the number of each
587 type of complaint disposition, including the number of dismissals, the
588 number of admonishments and the number of cases in which probable
589 cause was found.

590 [(h)] (k) The Commissioner of Public Works shall provide the
591 Judicial Review Council office space for the conduct of duties of the
592 council.

593 [(i)] (l) The Judicial Review Council shall adopt regulations, in
594 accordance with the provisions of chapter 54, to establish rules and
595 procedures for the council in the discharge of its duties under this
596 chapter and to provide standards for the identification of and
597 procedures for the treatment of conflicts of interest for council
598 members, which standards shall require that any professional or
599 ethical codes of conduct shall apply to any professional member of the
600 council subject to such codes of conduct.

601 Sec. 6. Section 51-51l of the general statutes is repealed and the
602 following is substituted in lieu thereof (*Effective October 1, 2007*):

603 (a) Except as provided in subsection (d) of this section, the Judicial
604 Review Council shall investigate every written complaint brought
605 before it alleging conduct under section 51-51i, and may initiate an
606 investigation of any judge, compensation commissioner or family
607 support magistrate if (1) the council has reason to believe conduct
608 under section 51-51i has occurred, or (2) previous complaints indicate a
609 pattern of behavior which would lead to a reasonable belief that

610 conduct under section 51-51i has occurred. The council shall, not later
611 than five days after such initiation of an investigation or receipt of such
612 complaint, notify by registered or certified mail any judge,
613 compensation commissioner or family support magistrate under
614 investigation or against whom such complaint is filed. A copy of any
615 such complaint shall accompany such notice. The council shall also
616 notify the complainant of its receipt of such complaint not later than
617 five days thereafter. Any investigation to determine whether or not
618 there is probable cause that conduct under section 51-51i has occurred
619 shall be confidential and any individual called by the council for the
620 purpose of providing information shall not disclose [his] such
621 individual's knowledge of such investigation to a third party prior to
622 the decision of the council on whether probable cause exists, unless the
623 respondent requests that such investigation and disclosure be open,
624 [provided] except that (A) information known or obtained
625 independently of any such investigation shall not be confidential, and
626 (B) the council may, upon request and after providing the judge,
627 compensation commissioner or family support magistrate who is the
628 subject of the complaint an opportunity to be heard, disclose that a
629 complaint has been filed if the council determines that (i) the essential
630 facts underlying the complaint have been widely made public, and (ii)
631 the public interest requires such disclosure. The judge, compensation
632 commissioner or family support magistrate shall have the right to
633 appear and be heard and to offer any information which may tend to
634 clear [him] such judge, compensation commissioner or family support
635 magistrate of probable cause to believe he or she is guilty of conduct
636 under section 51-51i. The judge, compensation commissioner or family
637 support magistrate shall also have the right to be represented by legal
638 counsel and examine and cross-examine witnesses. In conducting its
639 investigation under this subsection, the council may request that a
640 court furnish to the council a record or transcript of court proceedings
641 made or prepared by a court reporter, assistant court reporter or
642 monitor and the court shall, upon such request, furnish such record or
643 transcript.

644 (b) The Judicial Review Council shall, not later than three business
645 days after the termination of such investigation, notify the
646 complainant, if any, and the judge, compensation commissioner or
647 family support magistrate that the investigation has been terminated
648 and the results thereof. If the council finds that conduct under section
649 51-51i has not occurred, but the judge, compensation commissioner or
650 family support magistrate has acted in a manner which gives the
651 appearance of impropriety or constitutes an unfavorable judicial or
652 magisterial practice, the council may issue an admonishment to the
653 judge, compensation commissioner or family support magistrate
654 recommending a change in judicial or magisterial conduct or practice.
655 If an admonishment is issued, the council shall (1) notify the joint
656 standing committee of the General Assembly having cognizance of
657 matters relating to the judiciary that an admonishment was issued and
658 provide said committee with the substance of the admonishment,
659 including copies of the complaint file, and (2) inform the complainant,
660 if any, that an admonishment was issued if the admonishment is the
661 result of misconduct alleged in the complaint. [Except as provided in
662 subdivision (1) of this subsection, the] The substance of the
663 admonishment shall [not be disclosed to any person or organization]
664 be a matter of public record.

665 (c) If a preliminary investigation indicates that probable cause exists
666 that the judge, compensation commissioner or family support
667 magistrate is guilty of conduct under section 51-51i, the council shall
668 hold a hearing concerning the conduct or complaint. All hearings held
669 pursuant to this subsection shall be open. A judge, compensation
670 commissioner or family support magistrate appearing before such a
671 hearing shall be entitled to counsel, to present evidence and to cross-
672 examine witnesses. The council shall make a record of all proceedings
673 pursuant to this subsection. After all evidence and arguments have
674 been presented at such hearing, the council shall determine whether
675 the judge, compensation commissioner or family support magistrate is
676 guilty of conduct under section 51-51i. The council shall not later than
677 thirty days after the close of such hearing publish its findings together

678 with a memorandum of its reasons therefor. The entire record of the
679 proceedings pursuant to this subsection including any complaint,
680 transcripts and statements and other documents introduced into
681 evidence during such proceedings shall be open for public inspection,
682 except that any information that would be exempt from disclosure
683 under subsection (b) of section 1-210 shall be removed or redacted.

684 (d) No complaint against a judge, compensation commissioner or
685 family support magistrate alleging conduct under section 51-51i shall
686 be brought under this section but within one year from the date the
687 alleged conduct occurred or was discovered or in the exercise of
688 reasonable care should have been discovered, except that no such
689 complaint may be brought more than three years from the date the
690 alleged conduct occurred.

691 (e) Notwithstanding the provisions of subsections (a) and (b) of this
692 section, the council shall disclose any information concerning
693 complaints received by the council on and after January 1, 1978,
694 investigations, and disposition of such complaints to the legislative
695 program review and investigations committee when requested by the
696 committee in the course of its functions, in writing and upon a
697 majority vote of the committee, provided no names or other
698 identifying information shall be disclosed.

699 (f) On and after December 19, 1991, any judge, compensation
700 commissioner or family support magistrate who has been the subject
701 of an investigation by the Judicial Review Council as a result of a
702 complaint brought before [such] the council may request that such
703 complaint, investigation and the disposition of such complaint be open
704 to public inspection.

705 (g) Whenever a complaint against a judge, compensation
706 commissioner or family support magistrate is pending before the
707 Judicial Review Council within the final year of the term of office of
708 such judge, compensation commissioner or family support magistrate,
709 the Judicial Review Council shall designate such complaint as

710 privileged and shall conduct an expedited investigation and hearing so
711 that its duties with respect to such complaint are completed in
712 sufficient time to enable the Judicial Review Council to [make its
713 recommendation concerning any such judge to the Judicial Selection
714 Commission and] submit its report concerning such complaint to the
715 Governor, the Judicial Selection Commission and the joint standing
716 committee of the General Assembly having cognizance of matters
717 relating to the judiciary, as required under section 51-51q, as amended
718 by this act, in a timely manner.

719 Sec. 7. Subsection (a) of section 51-51m of the general statutes is
720 repealed and the following is substituted in lieu thereof (*Effective*
721 *October 1, 2007*):

722 (a) The Judicial Review Council may take any action upon a
723 majority vote of its members present and voting, except that twelve
724 members of the Judicial Review Council shall constitute a quorum for
725 any action to publicly censure a judge, compensation commissioner or
726 family support magistrate, suspend a judge, compensation
727 commissioner or family support magistrate for any period, refer the
728 matter to the Supreme Court with a recommendation that a judge or
729 family support magistrate be suspended for a period longer than one
730 year, [or] refer the matter to the Supreme Court with a
731 recommendation that a judge or family support magistrate be removed
732 from office or to the Governor with a recommendation that a
733 compensation commissioner be removed from office or impose a civil
734 penalty on a judge, compensation commissioner or family support
735 magistrate and the concurring vote of seven of such members shall be
736 required.

737 Sec. 8. Subsection (a) of section 51-51n of the general statutes is
738 repealed and the following is substituted in lieu thereof (*Effective*
739 *October 1, 2007*):

740 (a) The Judicial Review Council may, after a hearing pursuant to
741 subsection (c) of section 51-51l, as amended by this act, (1) publicly

742 censure the judge, compensation commissioner or family support
743 magistrate, (2) suspend the judge, compensation commissioner or
744 family support magistrate for a definite term not to exceed one year,
745 (3) refer the matter to the Supreme Court with a recommendation that
746 the judge or family support magistrate be suspended for a period
747 longer than one year, (4) refer the matter to the Supreme Court with a
748 recommendation that the judge or family support magistrate be
749 removed from office or to the Governor with a recommendation that
750 the compensation commissioner be removed from office, or (5)
751 exonerate the judge, compensation commissioner or family support
752 magistrate of all charges. In addition to imposing discipline under
753 subdivision (1) or (2) of this subsection, the council may impose a civil
754 penalty of not more than ten thousand dollars per violation.

755 Sec. 9. Section 51-51q of the general statutes is repealed and the
756 following is substituted in lieu thereof (*Effective October 1, 2007*):

757 (a) (1) [The] Whenever a judge is nominated for appointment to a
758 different court or for reappointment, the Judicial Review Council shall
759 submit [its recommendations concerning the nomination for
760 appointment to a different court of any judge or nomination for
761 reappointment of any judge whose term of office is about to expire,
762 including] a report of any complaint filed against [any] such judge and
763 the disposition of any such complaint, [and] including any
764 investigation of any such judge by the council, to the Governor, to the
765 Judicial Selection Commission and to the joint standing committee of
766 the General Assembly having cognizance of matters relating to the
767 judiciary, provided the Judicial Selection Commission shall not
768 consider any investigation of the Judicial Review Council which
769 resulted in the exoneration of a judge.

770 (2) In addition to the information required to be submitted under
771 subdivision (1) of this subsection, the Judicial Review Council shall
772 make all complaint files concerning any such judge available to the
773 joint standing committee of the General Assembly having cognizance
774 of matters relating to the judiciary. Notwithstanding any provision of

775 the general statutes, if the disposition of a complaint filed against any
776 such judge involved the issuance of an admonishment to or the public
777 censure or suspension of such judge, (A) no information pertaining to
778 the complaint and the investigation and disposition of such complaint
779 may be removed, redacted or otherwise withheld by the Judicial
780 Review Council prior to making such complaint files available to said
781 committee as required by this subdivision, and (B) the Judicial Review
782 Council shall provide to said committee any information, including,
783 but not limited to, any confidential information, in its possession
784 concerning such judge that may be requested in writing by the
785 cochairpersons of said committee. Such information shall be provided
786 to said committee not later than three business days following the date
787 the request is received by the Judicial Review Council. Any
788 confidential information provided to said committee as required by
789 this subdivision shall not be further disclosed to any person or
790 organization.

791 [(3) If the Judicial Review Council has reason to believe any such
792 judge is guilty of conduct under section 51-51i, material neglect of duty
793 or incompetence in the conduct of his office, it may refuse to
794 recommend such judge for nomination for appointment to a different
795 court or for reappointment. The Judicial Review Council shall not
796 recommend a judge for nomination for appointment to a different
797 court or for reappointment if the council finds such judge has wilfully
798 violated section 51-39a or has been convicted of a felony or of a
799 misdemeanor involving moral turpitude.]

800 (b) The Judicial Review Council shall submit [its recommendations
801 concerning the reappointment of any family support magistrate whose
802 term of office is about to expire, including] a report of any complaint
803 filed against any family support magistrate whose term of office is
804 about to expire and the disposition of any such complaint, including
805 any investigation of any such magistrate by the council, to the
806 Governor.

807 (c) The Judicial Review Council shall submit [its recommendations

808 concerning the nomination for reappointment of any compensation
809 commissioner whose term of office is about to expire, including a
810 report of] a report of any complaint filed against any compensation
811 commissioner whose term of office is about to expire and the
812 disposition of such complaint, including any investigation of such
813 compensation commissioner by the council, to the Governor and to the
814 joint standing committee of the General Assembly having cognizance
815 of matters relating to the judiciary. The Judicial Review Council shall
816 provide information to said committee concerning [any complaint filed
817 against such compensation commissioner and the investigation and
818 disposition of such complaint] such complaint, disposition and
819 investigation, including, but not limited to, confidential information, in
820 the same manner and subject to the same requirements as information
821 provided under subdivisions (1) and (2) of subsection (a) of this
822 section.

823 (d) If a complaint against any such judge, compensation
824 commissioner or family support magistrate is received by the Judicial
825 Review Council and the Judicial Review Council is unable to make its
826 findings and complete its duties with respect to such judge,
827 compensation commissioner or family support magistrate prior to the
828 expiration of the term of office of such judge, compensation
829 commissioner or family support magistrate, the Judicial Review
830 Council [shall not refuse to recommend such judge, compensation
831 commissioner or family support magistrate for reappointment based
832 on such complaint, but] shall report the fact of such complaint to the
833 Governor and to the joint standing committee of the General Assembly
834 having cognizance of matters relating to the judiciary.

835 Sec. 10. Section 51-51r of the general statutes is repealed and the
836 following is substituted in lieu thereof (*Effective October 1, 2007*):

837 Any judge or family support magistrate aggrieved by any decision
838 of the Judicial Review Council may appeal the decision to the Supreme
839 Court in accordance with such procedure for the appeal as the
840 Supreme Court shall adopt by rule. In reviewing the factual findings

841 of the council, the Supreme Court shall ascertain whether there was
842 substantial evidence to support those findings and in reviewing the
843 legal conclusions of the council, the Supreme Court shall conduct a de
844 novo review.

845 Sec. 11. Section 51-1b of the general statutes is repealed and the
846 following is substituted in lieu thereof (*Effective July 1, 2007*):

847 (a) The Chief Justice of the Supreme Court shall be the head of the
848 Judicial Department and shall be responsible for its administration.

849 (b) The Chief Justice shall appoint a Chief Court Administrator who
850 shall serve at the pleasure of the Chief Justice and for a term
851 coterminous with the term of the Chief Justice. If the Chief Court
852 Administrator is a judge of the Superior Court, Appellate Court or
853 Supreme Court, cessation of his or her service as Chief Court
854 Administrator shall not affect his or her term as judge of the Superior
855 Court, Appellate Court or Supreme Court.

856 Sec. 12. Section 45a-74 of the general statutes is repealed and the
857 following is substituted in lieu thereof (*Effective July 1, 2007*):

858 [(a) There shall be a Probate Court Administrator who shall be
859 appointed from among the judges of the several courts of probate by
860 the Chief Justice of the Supreme Court to serve at his pleasure. If the
861 Probate Court Administrator is unable by reason of sickness, absence
862 or other disability to perform the duties of his office, or if there is a
863 vacancy in the office of Probate Court Administrator, the Chief Justice
864 shall designate another judge of a court of probate to act in his stead
865 until he resumes his duties or until a new Probate Court Administrator
866 is appointed.]

867 (a) On and after the effective date of this section, the Chief Justice of
868 the Supreme Court shall nominate for appointment by the General
869 Assembly a Probate Court Administrator. The nominee shall be a
870 judge of probate, a former judge of probate or an attorney having at
871 least eight years experience in probate law. The Probate Court

872 Administrator shall serve at the pleasure of the Chief Justice for a term
873 coterminous with the term of the Chief Justice and until a successor is
874 appointed and has qualified. If the Probate Court Administrator is a
875 judge of probate, cessation of his or her service as Probate Court
876 Administrator shall not affect his or her term as judge of probate.

877 (b) The Probate Court Administrator shall devote full time to the
878 duties of [his] the office except that he or she may serve as a judge of
879 probate but shall not engage in the private practice of law. Any
880 Probate Court Administrator who ceases to serve as a judge of probate
881 may continue to serve as Probate Court Administrator at the pleasure
882 of the Chief Justice.

883 (c) A nomination made by the Chief Justice to the General Assembly
884 for appointment of a Probate Court Administrator shall be referred,
885 without debate, to the committee on the judiciary, which shall report
886 thereon within thirty legislative days from the time of reference, but no
887 later than seven legislative days before the adjourning of the General
888 Assembly.

889 (d) No vacancy in the position of Probate Court Administrator shall
890 be filled by the Chief Justice when the General Assembly is not in
891 session unless, prior to such filling, the Chief Justice submits the name
892 of the proposed vacancy appointee to the committee on the judiciary.
893 Within forty-five days, the committee on the judiciary may, upon the
894 call of either chairperson, hold a special meeting for the purpose of
895 approving or disapproving such proposed vacancy appointee by
896 majority vote. The proposed vacancy appointee shall not begin service
897 as Probate Court Administrator until the committee has approved such
898 proposed vacancy appointee. If the committee determines that it
899 cannot complete its investigation and act on such proposed vacancy
900 appointee within such forty-five-day period, it may extend such period
901 by an additional fifteen days. The committee shall notify the Chief
902 Justice in writing of any such extension. Failure of the committee to act
903 on such proposed vacancy appointee within such forty-five-day period
904 or any fifteen-day extension period shall be deemed to be an approval.

905 Sec. 13. Section 52-583 of the general statutes is repealed and the
906 following is substituted in lieu thereof (*Effective from passage*):

907 No civil action shall be brought against any [sheriff, sheriff's deputy
908 or] constable [,] or state marshal for any neglect or default in his or her
909 office or duty, but within two years next after the right of action
910 accrues.

911 Sec. 14. (NEW) (*Effective July 1, 2007*) For purposes of subparagraph
912 (A) of subdivision (1) of section 1-200 and subdivision (1) of subsection
913 (a) of section 1-212 of the general statutes, "administrative functions"
914 means (1) all matters not directly related to judicial decision-making in
915 court cases, and (2) those matters that relate to the management of the
916 internal institutional machinery of the judicial branch including, but
917 not limited to, budgeting, accounting, rule-making, personnel,
918 facilities, physical operations, docketing and scheduling.

919 Sec. 15. (NEW) (*Effective July 1, 2007*) (a) Whenever the Office of the
920 Chief Court Administrator receives a complaint concerning the
921 conduct of a judge, the Chief Court Administrator shall, in addition to
922 any administrative reasons for reviewing such complaint, review such
923 complaint to determine if there is reason to believe that the allegations
924 warrant further investigation by the Judicial Review Council. If the
925 Chief Court Administrator determines that such further investigation
926 is warranted, he or she shall refer such complaint to the Judicial
927 Review Council for investigation and action in accordance with
928 chapter 872a of the general statutes.

929 (b) If the Chief Court Administrator, in consultation with the Chief
930 Justice, determines that the complaint is (1) without merit, (2) properly
931 the subject of review through an existing adjudicatory procedure, or
932 (3) otherwise not within the purview of the Office of the Chief Court
933 Administrator, such complaint shall not be open to the public.

934 (c) If the Chief Court Administrator, in consultation with the Chief
935 Justice, determines that the complaint warrants administrative action,
936 but does not rise to the level that is appropriate for referral to the

937 Judicial Review Council, the Chief Court Administrator may issue an
938 admonishment in accordance with section 51-45a of the general
939 statutes.

940 Sec. 16. (NEW) (*Effective July 1, 2007*) The judicial branch shall make
941 the criminal docket of the Superior Court, including the docket
942 number, name of the defendant, year of birth of the defendant and
943 charge, available to the public on its Internet web site.

944 Sec. 17. (NEW) (*Effective February 1, 2008*) The judicial branch shall
945 make conviction information, as defined in section 54-142g of the
946 general statutes, available to the public on its Internet web site. Such
947 information shall include the docket number of the case, name of the
948 defendant, year of birth of the defendant, date of arrest, charges and
949 disposition including any fine, term of imprisonment and term of
950 probation imposed by the court, but shall not include the address or
951 motor vehicle operator license number of the defendant. Such
952 information shall be searchable by name of defendant, year of birth of
953 defendant and docket number. Conviction information with respect to
954 misdemeanors shall not be available to the public on the judicial
955 branch or other public agency web site after five years from the date of
956 the conviction.

957 Sec. 18. (NEW) (*Effective July 1, 2007*) Any police report used during
958 a court hearing as the basis for a judicial determination of probable
959 cause, whether or not probable cause has been found, shall be made
960 part of the court file and be open to the public unless the court, on
961 motion of any party or on its own motion, orders, for good cause
962 shown, all or a portion of the report to be sealed for a period of seven
963 days. If such motion is granted, the moving party may make a
964 recommendation not later than seven days after such order as to the
965 details of the sealing order, including the duration thereof. If no such
966 recommendation is made, the report shall be made public after said
967 seven-day period.

968 Sec. 19. Subsection (c) of section 19a-343a of the general statutes is

969 repealed and the following is substituted in lieu thereof (*Effective July*
970 *1, 2007*):

971 (c) If in the application, the state requests the issuance of a
972 temporary ex parte order for the abatement of a public nuisance, the
973 court [L] or, if the court is not in session, any judge of the Superior
974 Court, may grant a temporary ex parte order to abate the public
975 nuisance. The court or judge shall direct the state to give notice and
976 service of such documents, including a copy of the ex parte order, in
977 accordance with subsection (b) of this section. At such hearing, any
978 defendant may show cause why the abatement order shall be modified
979 or vacated. No such ex parte order may be granted unless it appears
980 from the specific facts shown by affidavit and by complaint that there
981 is probable cause to believe that a public nuisance exists and the
982 temporary relief requested is necessary to protect the public health,
983 welfare or safety. Such show cause hearing shall be scheduled within
984 five business days after service is effected by the state. [The affidavit
985 may be ordered sealed by the court or judge upon a finding that the
986 state's interest in nondisclosure substantially outweighs the
987 defendant's right to disclosure.] A copy of the state's application and
988 the temporary order to cease and desist shall be posted on any outside
989 door to any building on the real property.

990 Sec. 20. Section 51-164x of the general statutes is repealed and the
991 following is substituted in lieu thereof (*Effective July 1, 2007*):

992 (a) Any person affected by a court order which prohibits any person
993 from attending any session of court, except any session of court
994 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or
995 any other provision of the general statutes under which the court is
996 authorized to close proceedings, whether at a pretrial or trial stage,]
997 shall have the right to the review of such order by the filing of a
998 petition for review with the Appellate Court [within seventy-two
999 hours from] not later than three business days after the issuance of
1000 such court order.

1001 (b) No order subject to review pursuant to subsection (a) of this
1002 section shall be effective until [seventy-two hours] the fourth business
1003 day after it has been issued, and the timely filing of any petition for
1004 review shall stay the order.

1005 (c) Any person affected by a court order that seals or limits the
1006 disclosure of any files, affidavits, documents or other material on file
1007 with the court or filed in connection with a court proceeding, except (1)
1008 any order issued pursuant to section 46b-11 or 54-33c, [or any other
1009 provision of the general statutes under which the court is authorized to
1010 seal or limit the disclosure of files, affidavits, documents or materials,
1011 whether at a pretrial or trial stage,] and (2) any order issued pursuant
1012 to a court rule that seals or limits the disclosure of any affidavit in
1013 support of an arrest warrant, shall have the right to the review of such
1014 order by the filing of a petition for review with the Appellate Court
1015 [within seventy-two hours from] not later than three business days
1016 after the issuance of such court order.

1017 (d) The Appellate Court shall provide an expedited hearing on such
1018 petitions filed pursuant to subsections (a) and (c) of this section in
1019 accordance with such rules as the judges of the Appellate Court may
1020 adopt, consistent with the rights of the petitioner and the parties to the
1021 case.

1022 Sec. 21. Section 4-173 of the general statutes is repealed and the
1023 following is substituted in lieu thereof (*Effective July 1, 2007*):

1024 (a) The Commission on Official Legal Publications shall publish and
1025 distribute a compilation of all effective regulations adopted by all state
1026 agencies subsequent to October 27, 1970, except regulations adopted
1027 pursuant to subsection (f) of section 4-168. Such publication may be a
1028 supplement to or revision of the most current compilation, and shall be
1029 published at least semiannually. The Commission on Official Legal
1030 Publications may omit from such compilation (1) any regulation that is
1031 incorporated by reference into a Connecticut regulation and published
1032 by or otherwise available in printed form from a federal agency, a

1033 government agency of another state or a commercial publishing
1034 company, (2) any regulation that is too expensive to publish, or (3) any
1035 regulation the publication of which would be unduly cumbersome. If
1036 the commission omits a regulation from the compilation, it shall
1037 publish in the compilation a notice identifying the omitted regulation,
1038 stating the general subject matter of the regulation and stating an
1039 address, telephone number and any other information needed to
1040 obtain a copy of the regulation. Such address and telephone number
1041 shall be kept current in each semiannual publication of the
1042 compilation. The commission shall publish any regulation that has
1043 been omitted from publication under subdivision (2) of this subsection
1044 as soon as the commission has sufficient funds.

1045 (b) The Commission on Official Legal Publications shall in addition
1046 cause to be published in the Connecticut Law Journal at least monthly
1047 the text of all regulations received by the commission from the office of
1048 the Secretary of the State pursuant to section 4-172 during the
1049 preceding month. The commission may omit from the Connecticut
1050 Law Journal (1) any regulation submitted in accordance with
1051 subsection (g) of section 4-168, for the purposes of renumbering
1052 sections only, if a correlated table of the former and new section
1053 numbers is published in lieu of the full text, (2) any regulation that is
1054 incorporated by reference into a Connecticut regulation and published
1055 by or otherwise available in printed form from a federal agency, a
1056 government agency of another state or a commercial publishing
1057 company, and (3) any regulation the publication of which would be
1058 too expensive or unduly cumbersome. If the commission omits a
1059 regulation from publication in the Connecticut Law Journal under
1060 subdivision (2) or (3) of this subsection, the commission shall publish
1061 in the Connecticut Law Journal a notice identifying the omitted
1062 regulation, stating the general subject matter of the regulation and
1063 stating an address, telephone number and any other information
1064 needed to obtain a copy of the regulation.

1065 (c) Each agency which adopts a regulation shall make the regulation
1066 available for inspection and copying at its main office.

1067 (d) Any publication made pursuant to subsections (a) and (b) of this
1068 section shall be made available upon request to agencies and officials
1069 of this state free of charge, and to other persons at prices fixed by the
1070 Commission on Official Legal Publications, in accordance with section
1071 51-216b.

1072 (e) The compilation of regulations published under subsection (a) of
1073 this section and all Connecticut regulations omitted from the
1074 compilation under subsection (a) shall be maintained in the reference
1075 collection of each law library described in section 11-19a.

1076 (f) The commission shall make the compilation of effective
1077 regulations published pursuant to subsection (a) of this section and the
1078 text of recently-filed regulations published pursuant to subsection (b)
1079 of this section available to the public through the Internet. The web
1080 sites of the Executive, Judicial and Legislative Branches shall contain a
1081 link to such compilation of effective regulations and text of recently-
1082 filed regulations.

1083 Sec. 22. Subsection (a) of section 51-36 of the general statutes is
1084 repealed and the following is substituted in lieu thereof (*Effective July*
1085 *1, 2007*):

1086 (a) The Chief Court Administrator may cause any and all court
1087 records, papers or documents, and all other records, papers or
1088 documents maintained by the judicial branch, required to be retained
1089 indefinitely or for a period of time defined by (1) rules of court, (2)
1090 directives promulgated by the Office of the Chief Court Administrator,
1091 or (3) statute, to be microfilmed or reproduced as a computerized
1092 image. The device used to reproduce such records, papers or
1093 documents on microfilm or as a computerized image shall be one
1094 which accurately reproduces the original thereof in detail. Such
1095 microfilm or computerized image shall be considered and treated the
1096 same as the original records, papers or documents, provided a
1097 certificate of authenticity appears on each roll of microfilm and a paper
1098 or electronic certificate of authenticity is associated with each

1099 computerized image in accordance with policies and procedures
1100 adopted by the Office of the Chief Court Administrator. A transcript,
1101 exemplification or certified copy thereof shall for all purposes be
1102 deemed to be a transcript, exemplification or certified copy of the
1103 original. The original [court] records, papers or documents so
1104 reproduced may be disposed of in such manner as approved by the
1105 Office of the Chief Court Administrator. For the purposes of this
1106 subsection, "microfilm" includes microcard, microfiche,
1107 microphotograph, electronic medium or any other process which
1108 actually reproduces or forms a durable medium for so reproducing the
1109 original, and "computerized image" means any electronic reproduction
1110 of the original by a computer-based imaging system or process.

1111 Sec. 23. Subsection (d) of section 51-36 of the general statutes is
1112 repealed and the following is substituted in lieu thereof (*Effective July*
1113 *1, 2007*):

1114 (d) All court records other than records concerning title to land may
1115 be destroyed in accordance with rules of court. Records concerning
1116 title to land shall not be subject to any such destruction, [and may be
1117 retained in an electronic format,] except that official notes and tapes of
1118 evidence or judicial proceedings concerning title to land may be
1119 destroyed. Records concerning title to land may be retained in an
1120 electronic format. All court records may be transferred to any agency
1121 of this state or to any federal agency in accordance with rules of court
1122 or directives promulgated by the Office of the Chief Court
1123 Administrator, provided records in any action concerning title to land
1124 terminated by a final judgment affecting any right, title or interest in
1125 real property shall be retained for not less than forty years in the office
1126 of the clerk of the court location in which the judgment was rendered.
1127 Any other judicial branch books, records, papers or documents may be
1128 destroyed or transferred to any agency of this state or to any federal
1129 agency in accordance with directives promulgated by the Office of the
1130 Chief Court Administrator.

1131 Sec. 24. Section 52-180 of the general statutes is repealed and the

1132 following is substituted in lieu thereof (*Effective October 1, 2007*):

1133 (a) Any writing or record, whether in the form of an entry in a book
1134 or otherwise, made as a memorandum or record of any act,
1135 transaction, occurrence or event, shall be admissible as evidence of the
1136 act, transaction, occurrence or event, if the trial judge finds that it was
1137 made in the regular course of any business, and that it was the regular
1138 course of the business to make the writing or record at the time of the
1139 act, transaction, occurrence or event or within a reasonable time
1140 thereafter.

1141 (b) The writing or record shall not be rendered inadmissible by (1) a
1142 party's failure to produce as witnesses the person or persons who
1143 made the writing or record, or who have personal knowledge of the
1144 act, transaction, occurrence or event recorded, or (2) the party's failure
1145 to show that such persons are unavailable as witnesses. Either of such
1146 facts and all other circumstances of the making of the writing or
1147 record, including lack of personal knowledge by the entrant or maker,
1148 may be shown to affect the weight of the evidence, but not to affect its
1149 admissibility.

1150 (c) Except as provided in the Freedom of Information Act, as
1151 defined in section 1-200, if any person in the regular course of business
1152 has kept or recorded any memorandum, writing, entry, print,
1153 representation or combination thereof, of any act, transaction,
1154 occurrence or event, and in the regular course of business has caused
1155 any or all of them to be recorded, copied or reproduced by any
1156 photographic, photostatic, microfilm, microcard, miniature
1157 photographic, computer-based imaging or other process which
1158 accurately reproduces or forms a durable medium for so reproducing
1159 the original, the original may be destroyed in the regular course of
1160 business unless its preservation is otherwise required by statute. The
1161 reproduction, when satisfactorily identified, shall be as admissible in
1162 evidence as the original in any judicial or administrative proceeding,
1163 whether the original is in existence or not, and an enlargement or
1164 facsimile of the reproduction shall be likewise admissible in evidence if

1165 the original reproduction is in existence and available for inspection
1166 under direction of court. The introduction of a reproduced record,
1167 enlargement or facsimile shall not preclude admission of the original.

1168 (d) [The term "business" shall include] For the purposes of this
1169 section, "business" includes any business, profession, occupation [and
1170 calling of every kind] or calling.

1171 Sec. 25. Section 52-259b of the general statutes is repealed and the
1172 following is substituted in lieu thereof (*Effective October 1, 2007*):

1173 (a) In any civil or criminal matter, if the court finds that a party is
1174 indigent and unable to pay a fee or fees payable to the court or to pay
1175 the cost of service of process, the court shall waive such fee or fees and
1176 the cost of service of process shall be paid by the state.

1177 (b) There shall be a rebuttable presumption that a person is indigent
1178 and unable to pay a fee or fees or the cost of service of process if (1)
1179 such person receives public assistance, or (2) such person's income
1180 after taxes, mandatory wage deductions and child care expenses is one
1181 hundred twenty-five per cent or less of the federal poverty level. For
1182 the purposes of this subsection, "public assistance" includes, but is not
1183 limited to, state-administered general assistance, temporary family
1184 assistance, aid to the aged, blind and disabled, food stamps and
1185 Supplemental Security Income.

1186 (c) Nothing in this section shall preclude the court from finding that
1187 a person whose income does not meet the criteria of subsection (b) of
1188 this section is indigent and unable to pay a fee or fees or the cost of
1189 service of process. If an application for the waiver of the payment of a
1190 fee or fees or the cost of service of process is denied, the court clerk
1191 shall, upon the request of the applicant, schedule a hearing on the
1192 application.

1193 (d) Any copying fee payable to the court clerk pursuant to section
1194 52-259 shall be waived for a person who is indigent and unable to pay
1195 such fee, in accordance with criteria established by the judicial branch.

1196 Sec. 26. Subsection (a) of section 53a-39a of the general statutes is
1197 repealed and the following is substituted in lieu thereof (*Effective*
1198 *October 1, 2007*):

1199 (a) In all cases where a defendant has been convicted of a
1200 misdemeanor or a felony, other than a capital felony, a class A felony
1201 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
1202 57, 53a-58 or 53a-70b or any other offense for which there is a
1203 mandatory minimum sentence which may not be suspended or
1204 reduced by the court, after trial or by a plea of guilty without trial, and
1205 a term of imprisonment is part of a stated plea agreement or the
1206 statutory penalty provides for a term of imprisonment, the court may,
1207 in its discretion, order an assessment for placement in an alternate
1208 incarceration program under contract with the Judicial Department. If
1209 the Court Support Services Division recommends placement in an
1210 alternate incarceration program, it shall also submit to the court a
1211 proposed alternate incarceration plan. Upon completion of the
1212 assessment, the court shall determine whether such defendant shall be
1213 ordered to participate in such program as an alternative to
1214 incarceration. If the court determines that the defendant shall
1215 participate in such program, the court shall suspend any sentence of
1216 imprisonment and shall make participation in the alternate
1217 incarceration program a condition of probation as provided in section
1218 53a-30. If the court orders the defendant to participate in an alternate
1219 incarceration program pursuant to such alternate incarceration plan,
1220 such plan, or that portion of such plan ordered by the court, shall be a
1221 matter of public record.

1222 Sec. 27. Section 54-33c of the general statutes is repealed and the
1223 following is substituted in lieu thereof (*Effective October 1, 2007*):

1224 (a) The applicant for the search warrant shall file the application for
1225 the warrant and all affidavits upon which the warrant is based with
1226 the clerk of the court for the geographical area within which any
1227 person who may be arrested in connection with or subsequent to the
1228 execution of the search warrant would be presented with the return of

1229 the warrant. The warrant shall be executed within ten days and
1230 returned with reasonable promptness consistent with due process of
1231 law and shall be accompanied by a written inventory of all property
1232 seized. A copy of such warrant shall be given to the owner or occupant
1233 of the dwelling, structure, motor vehicle or place designated therein, or
1234 the person named therein. Within forty-eight hours of such search, a
1235 copy of the application for the warrant and a copy of all affidavits
1236 upon which the warrant is based shall be given to such owner,
1237 occupant or person. The judge or judge trial referee may, by order,
1238 dispense with the requirement of giving a copy of the affidavits to
1239 such owner, occupant or person at such time if the applicant for the
1240 warrant files a detailed affidavit with the judge or judge trial referee
1241 which demonstrates to the judge or judge trial referee that (1) the
1242 personal safety of a confidential informant would be jeopardized by
1243 the giving of a copy of the affidavits at such time, [or] (2) the search is
1244 part of a continuing investigation [which] that would be adversely
1245 affected by the giving of a copy of the affidavits at such time, or (3) the
1246 giving of such affidavits at such time would require disclosure of
1247 information or material prohibited from being disclosed by chapter
1248 959a. If the judge or judge trial referee dispenses with the requirement
1249 of giving a copy of the affidavits at such time, such order shall not
1250 affect the right of such owner, occupant or person to obtain such copy
1251 at any subsequent time. No such order shall limit the disclosure of
1252 such affidavits to the attorney for a person arrested in connection with
1253 or subsequent to the execution of a search warrant unless, upon
1254 motion of the prosecuting authority within two weeks of such person's
1255 arraignment, the court finds that the state's interest in continuing
1256 nondisclosure substantially outweighs the defendant's right to
1257 disclosure.

1258 (b) Any order dispensing with the requirement of giving a copy of
1259 the warrant application and accompanying affidavits to such owner,
1260 occupant or person within forty-eight hours shall be for a specific
1261 period of time, not to exceed two weeks beyond the date the warrant is
1262 executed. Within that time period, the prosecuting authority may seek

1263 an extension of such period. Upon the execution and return of the
1264 warrant, affidavits which have been the subject of such an order shall
1265 remain in the custody of the clerk's office in a secure location apart
1266 from the remainder of the court file.

1267 (c) Any request by the prosecuting authority, made subsequent to
1268 an arrest, to extend an order sealing an affidavit in support of a search
1269 warrant as to such owner, occupant or person shall be a matter of
1270 public record. An extension of the order shall be granted if the court
1271 finds that the order is necessary to preserve an interest that is
1272 determined to override the public's interest in viewing the affidavit, or
1273 for good cause shown. An oral representation by the prosecuting
1274 authority that (1) the personal safety of a confidential informant would
1275 be jeopardized, (2) the search is part of a continuing investigation that
1276 would be adversely affected, or (3) the unsealing of the affidavit would
1277 require disclosure of information or material prohibited from being
1278 disclosed by chapter 959a may be sufficient to establish good cause.
1279 Any such extension shall be to a date certain, not to exceed ninety days
1280 from the date of the request. The prosecuting authority may seek more
1281 than one such extension, but no single extension shall exceed ninety
1282 days.

1283 Sec. 28. Subsection (d) of section 54-56d of the general statutes is
1284 repealed and the following is substituted in lieu thereof (*Effective*
1285 *October 1, 2007*):

1286 (d) If the court finds that the request for an examination is justified
1287 and that, in accordance with procedures established by the judges of
1288 the Superior Court, there is probable cause to believe that the
1289 defendant has committed the crime for which the defendant is
1290 charged, the court shall order an examination of the defendant as to his
1291 or her competency. The court may (1) appoint one or more physicians
1292 specializing in psychiatry to examine the defendant, or (2) order the
1293 Commissioner of Mental Health and Addiction Services to conduct the
1294 examination either (A) by a clinical team consisting of a physician
1295 specializing in psychiatry, a clinical psychologist and one of the

1296 following: A clinical social worker licensed pursuant to chapter 383b or
1297 a psychiatric nurse clinical specialist holding a master's degree in
1298 nursing, or (B) by one or more physicians specializing in psychiatry,
1299 except that no employee of the Department of Mental Health and
1300 Addiction Services who has served as a member of a clinical team in
1301 the course of such employment for at least five years prior to October
1302 1, 1995, shall be precluded from being appointed as a member of a
1303 clinical team. If the Commissioner of Mental Health and Addiction
1304 Services is ordered to conduct the examination, the commissioner shall
1305 select the members of the clinical team or the physician or physicians.
1306 If the examiners determine that the defendant is not competent, the
1307 examiners shall then determine whether there is a substantial
1308 probability that the defendant, if provided with a course of treatment,
1309 will regain competency within the maximum period of any placement
1310 order under this section. If the examiners determine that there is a
1311 substantial probability that the defendant, if provided with a course of
1312 treatment, will regain competency within the maximum period of any
1313 placement order under this section, the examiners shall then determine
1314 whether the defendant appears to be eligible for civil commitment,
1315 with monitoring by the Court Support Services Division, pursuant to
1316 subdivision (2) of subsection (h) of this section. The court may
1317 authorize a physician specializing in psychiatry, a clinical
1318 psychologist, a clinical social worker licensed pursuant to chapter 383b
1319 or a psychiatric nurse clinical specialist holding a master's degree in
1320 nursing selected by the defendant to observe the examination. Counsel
1321 for the defendant may observe the examination. The examination shall
1322 be completed within fifteen days from the date it was ordered and the
1323 examiners shall prepare and sign, without notarization, a written
1324 report and file such report with the court within twenty-one business
1325 days of the date of the order. On receipt of the written report, the clerk
1326 of the court shall cause copies to be delivered immediately to the
1327 state's attorney and to counsel for the defendant. The written report
1328 shall be sealed, but only as to the public, and the contents of the report
1329 shall not be disclosed, except during any evidentiary hearing as to the
1330 competency of the defendant at which such contents are relied upon

1331 by a participant as the basis for testimony, questioning of witnesses,
1332 arguments to the court or judicial findings or as otherwise authorized
1333 under section 52-146f.

1334 Sec. 29. Subsection (f) of section 54-56d of the general statutes is
1335 repealed and the following is substituted in lieu thereof (*Effective*
1336 *October 1, 2007*):

1337 (f) If the court, after the evidentiary hearing, finds that the
1338 defendant is competent, the court shall continue with the criminal
1339 proceedings. If the court finds that the defendant is not competent, the
1340 court shall also find whether there is a substantial probability that the
1341 defendant, if provided with a course of treatment, will regain
1342 competency within the maximum period of any placement order
1343 permitted under this section. The court shall state on the record the
1344 reasons for the court's finding that the defendant is competent or not
1345 competent.

1346 Sec. 30. Subsection (b) of section 54-56g of the general statutes is
1347 repealed and the following is substituted in lieu thereof (*Effective*
1348 *October 1, 2007*):

1349 (b) The court, after consideration of the recommendation of the
1350 state's attorney, assistant state's attorney or deputy assistant state's
1351 attorney in charge of the case, may, in its discretion, grant such
1352 application. If the court grants such application, it shall refer such
1353 person to the Court Support Services Division for assessment and
1354 confirmation of the eligibility of the applicant and to the Department
1355 of Mental Health and Addiction Services for evaluation. The Court
1356 Support Services Division, in making its assessment and confirmation,
1357 may rely on the representations made by the applicant under oath in
1358 open court with respect to convictions in other states of offenses
1359 specified in subsection (a) of this section. Upon confirmation of
1360 eligibility and receipt of the evaluation report, the defendant shall be
1361 referred to the Department of Mental Health and Addiction Services
1362 by the Court Support Services Division for placement in an

1363 appropriate alcohol intervention program for one year, or be placed in
1364 a state-licensed substance abuse treatment program. Any person who
1365 enters the system shall agree: (1) To the tolling of the statute of
1366 limitations with respect to such crime, (2) to a waiver of such person's
1367 right to a speedy trial, (3) to complete ten or fifteen counseling sessions
1368 in an alcohol intervention program or successfully complete a
1369 substance abuse treatment program of not less than twelve sessions
1370 pursuant to this section dependent upon the evaluation report and the
1371 court order, (4) upon completion of participation in the alcohol
1372 intervention program, to accept placement in a treatment program
1373 upon recommendation of a provider under contract with the
1374 Department of Mental Health and Addiction Services pursuant to
1375 subsection (d) of this section or placement in a state-licensed treatment
1376 program which meets standards established by the Department of
1377 Mental Health and Addiction Services, if the Court Support Services
1378 Division deems it appropriate, and (5) if ordered by the court, to
1379 participate in at least one victim impact panel. The suspension of the
1380 motor vehicle operator's license of any such person pursuant to section
1381 14-227b shall be effective during the period such person is
1382 participating in such program, provided such person shall have the
1383 option of not commencing the participation in such program until the
1384 period of such suspension is completed. If the Court Support Services
1385 Division informs the court that the defendant is ineligible for the
1386 system and the court makes a determination of ineligibility or if the
1387 program provider certifies to the court that the defendant did not
1388 successfully complete the assigned program or is no longer amenable
1389 to treatment, the court shall order the court file to be unsealed, enter a
1390 plea of not guilty for such defendant and immediately place the case
1391 on the trial list. If such defendant satisfactorily completes the assigned
1392 program, such defendant may apply for dismissal of the charges
1393 against such defendant and the court, on reviewing the record of the
1394 defendant's participation in such program submitted by the Court
1395 Support Services Division and on finding such satisfactory completion,
1396 shall dismiss the charges. If the defendant does not apply for dismissal
1397 of the charges against such defendant after satisfactorily completing

1398 the assigned program the court, upon receipt of the record of the
1399 defendant's participation in such program submitted by the Court
1400 Support Services Division, may on its own motion make a finding of
1401 such satisfactory completion and dismiss the charges. Upon motion of
1402 the defendant and a showing of good cause, the court may extend the
1403 one-year placement period for a reasonable period for the defendant to
1404 complete the assigned program. A record of participation in such
1405 program shall be retained by the Court Support Services Division for a
1406 period of [seven] ten years from the date of application. The Court
1407 Support Services Division shall transmit to the Department of Motor
1408 Vehicles a record of participation in such program for each person who
1409 satisfactorily completes such program. The Department of Motor
1410 Vehicles shall maintain for a period of [seven] ten years the record of a
1411 person's participation in such program as part of such person's driving
1412 record. The Court Support Services Division shall transmit to the
1413 Department of Environmental Protection the record of participation of
1414 any person who satisfactorily completes such program who has been
1415 charged with a violation of the provisions of section 15-133, 15-140l or
1416 15-140n. The Department of Environmental Protection shall maintain
1417 for a period of [seven] ten years the record of a person's participation
1418 in such program as a part of such person's boater certification record.

1419 Sec. 31. Section 54-143b of the general statutes is repealed and the
1420 following is substituted in lieu thereof (*Effective October 1, 2007*):

1421 The total amount of any forfeited bond for a motor vehicle violation,
1422 when such bond is composed in part of an additional fee established
1423 under [subsection (c) of] section 51-56a, any cost established under
1424 subsection (b) of section 54-143 or any cost established under section
1425 54-143a, shall be deposited in the General Fund as one undifferentiated
1426 lump sum amount or deposited in the Special Transportation Fund as
1427 one undifferentiated lump sum amount as may be required by statute.

1428 Sec. 32. Subsection (b) of section 30-89 of the general statutes is
1429 repealed and the following is substituted in lieu thereof (*Effective*
1430 *October 1, 2007*):

1431 (b) Any minor who possesses any alcoholic liquor on public or
1432 private property shall [, for a first offense, have committed an
1433 infraction and, for any subsequent offense,] be fined not less than two
1434 hundred dollars or more than five hundred dollars. The provisions of
1435 this subsection shall not apply to (1) a person over age eighteen who is
1436 an employee or permit holder under section 30-90a and who possesses
1437 alcoholic liquor in the course of such person's employment or business,
1438 (2) a minor who possesses alcoholic liquor on the order of a practicing
1439 physician, or (3) a minor who possesses alcoholic liquor while
1440 accompanied by a parent, guardian or spouse of the minor, who has
1441 attained the age of twenty-one. Nothing in this subsection shall be
1442 construed to burden a person's exercise of religion under section 3 of
1443 article first of the Constitution of the state in violation of subsection (a)
1444 of section 52-571b.

1445 Sec. 33. Section 52-259a of the general statutes is amended by adding
1446 subsection (c) as follows (*Effective October 1, 2007*):

1447 (NEW) (c) Any employee of a governmental agency of another state,
1448 acting in the performance of such employee's duties, shall not be
1449 required to pay any fee specified in section 52-259 for any certified
1450 copy of any record pertaining to a family relations matter.

1451 Sec. 34. Section 54-103b of the general statutes is repealed and the
1452 following is substituted in lieu thereof (*Effective from passage*):

1453 The Court Support Services Division shall implement liaison with
1454 local community service providers throughout the state for the
1455 purpose of improving [services] the delivery of services for probation
1456 referrals. Contractual services purchased shall be predominantly for
1457 the purpose of, but need not be limited to, employment, psychiatric
1458 and psychological evaluation and counseling, drug and alcohol
1459 dependency treatment, and other services towards more effective
1460 control and rehabilitation of probation referrals. The Chief Court
1461 Administrator, as part of a publicly bid contract for an alternative
1462 incarceration program that is executed before, on or after the effective

1463 date of this section, may include a requirement that the contractor
1464 provide such space as is necessary for staff of the Court Support
1465 Services Division to meet with probationers and to conduct any
1466 business that may be necessary to oversee and monitor such program.
1467 Other outside professional service fees consonant with the primary
1468 purpose of improved direct services for probation referrals shall be
1469 within the scope of the authority granted by this section.

1470 Sec. 35. Subsection (c) of section 54-228 of the general statutes is
1471 repealed and the following is substituted in lieu thereof (*Effective*
1472 *October 1, 2007*):

1473 (c) [Such] A request for notification filed pursuant to this section
1474 shall be in such form and content as the Office of the Chief Court
1475 Administrator may prescribe. Such request for notification shall be
1476 confidential and shall remain confidential while in the custody of the
1477 Office of Victim Services and the Department of Correction and shall
1478 not be disclosed. It shall be the responsibility of the victim to notify the
1479 Office of Victim Services and the Victim Services Unit within the
1480 Department of Correction of his or her current mailing address and
1481 telephone number, which shall be kept confidential and shall not be
1482 disclosed by the Office of Victim Services and the Department of
1483 Correction. Nothing in this section shall be construed to prohibit the
1484 Office of Victim Services, the Board of Pardons and Paroles and the
1485 Victim Services Unit within the Department of Correction from
1486 communicating with each other [to determine if either has a current
1487 mailing address of a victim and, if so, from disclosing such mailing
1488 address to each other] for the purpose of facilitating notification to
1489 [the] a victim and disclosing to each other the name, mailing address
1490 and telephone number of a victim, provided such [mailing address]
1491 information shall not be further disclosed.

1492 Sec. 36. Subsection (d) of section 54-230 of the general statutes is
1493 repealed and the following is substituted in lieu thereof (*Effective*
1494 *October 1, 2007*):

1495 (d) Upon receipt of notice from the Department of Correction
1496 pursuant to section 54-231, the Office of Victim Services shall notify by
1497 certified mail all victims who have requested to be notified pursuant to
1498 section 54-228, as amended by this act, whenever such inmate is
1499 scheduled to be released from a correctional institution. Such notice
1500 shall be in writing and notify each victim of the date of such inmate's
1501 release. The victim shall notify the Office of Victim Services of his or
1502 her current mailing address and telephone number, which shall be
1503 kept confidential and shall not be disclosed by the Office of Victim
1504 Services. Nothing in this section shall be construed to prohibit the
1505 Office of Victim Services, the Board of Pardons and Paroles and the
1506 Victim Services Unit within the Department of Correction from
1507 communicating with each other [to determine if either has a current
1508 mailing address of a victim and, if so, from disclosing such mailing
1509 address to each other] for the purpose of facilitating notification to
1510 [the] a victim and disclosing to each other the name, mailing address
1511 and telephone number of the victim, provided such [mailing address]
1512 information shall not be further disclosed.

1513 Sec. 37. (NEW) (*Effective July 1, 2007*) Any judicial marshal may
1514 serve a *capias mittimus* on any person who is in the custody of the
1515 judicial marshal or is in a courthouse where the judicial marshal
1516 provides courthouse security if such *capias mittimus* was issued in a
1517 child support matter by: (1) A court or a family support magistrate
1518 pursuant to subdivision (8) of subsection (a) of section 17b-745 of the
1519 general statutes or subparagraph (C) of subdivision (8) of subsection
1520 (a) of section 46b-215 of the general statutes; or (2) a family support
1521 magistrate pursuant to subdivision (1) of subsection (m) of section 46b-
1522 231 of the general statutes.

1523 Sec. 38. Subsection (a) of section 11 of substitute senate bill 1458, as
1524 amended by senate amendment schedule "A", is repealed and the
1525 following is substituted in lieu thereof (*Effective July 1, 2007*):

1526 (a) Notwithstanding any other rule of evidence or provision of law,
1527 a statement by a child under thirteen years of age relating to a sexual

1528 offense committed against that child, or an offense involving physical
1529 abuse committed against that child by [a person or persons who had
1530 authority or apparent authority] such child's parent or guardian or any
1531 other person then exercising comparable authority over the child, shall
1532 be admissible in a criminal [,] or juvenile [or civil] proceeding if: (1)
1533 The court finds, in a hearing conducted outside the presence of the
1534 jury, if any, that the circumstances of the statement, including its
1535 timing and content, provide particularized guarantees of its
1536 trustworthiness, (2) the statement was not made in preparation for a
1537 legal proceeding, (3) the proponent of the statement makes known to
1538 the adverse party an intention to offer the statement and the
1539 particulars of the statement including the content of the statement, the
1540 approximate time, date and location of the statement, the person to
1541 whom the statement was made and the circumstances surrounding the
1542 statement that indicate its trustworthiness, at such time as to provide
1543 the adverse party with a fair opportunity to prepare to meet it, and (4)
1544 either (A) the child testifies and is subject to cross-examination at the
1545 proceeding, or (B) the child is unavailable as a witness and (i) there is
1546 independent nontestimonial corroborative evidence of the alleged act,
1547 and (ii) the statement was made prior to the defendant's arrest or
1548 institution of juvenile proceedings in connection with the act described
1549 in the statement.

1550 Sec. 39. Subsection (a) of section 51-88 of the general statutes is
1551 repealed and the following is substituted in lieu thereof (*Effective from*
1552 *passage*):

1553 (a) A person who has not been admitted as an attorney under the
1554 provisions of section 51-80 or who is not otherwise providing legal
1555 services pursuant to any statute or rule of court shall not: (1) Practice
1556 law or appear as an attorney-at-law for another, in any court of record
1557 in this state, (2) make it a business to practice law, or appear as an
1558 attorney-at-law for another in any such court, (3) make it a business to
1559 solicit employment for an attorney-at-law, (4) hold himself out to the
1560 public as being entitled to practice law, (5) assume to be an attorney-at-
1561 law, (6) assume, use or advertise the title of lawyer, attorney and

1562 counselor-at-law, attorney-at-law, counselor-at-law, attorney,
1563 counselor, attorney and counselor, or an equivalent term, in such
1564 manner as to convey the impression that he is a legal practitioner of
1565 law, or (7) advertise that he, either alone or with others, owns,
1566 conducts or maintains a law office, or office or place of business of any
1567 kind for the practice of law.

1568 Sec. 40. Subsection (d) of section 51-88 of the general statutes is
1569 repealed and the following is substituted in lieu thereof (*Effective from*
1570 *passage*):

1571 (d) The provisions of this section shall not be construed as
1572 prohibiting: (1) A town clerk from preparing or drawing deeds,
1573 mortgages, releases, certificates of change of name and trade name
1574 certificates which are to be recorded or filed in the town clerk's office
1575 in the town in which the town clerk holds office; (2) any person from
1576 practicing law or pleading at the bar of any court of this state in his
1577 own cause; (3) any person from acting as an agent or representative for
1578 a party in an [international arbitration, as defined in subsection (3) of
1579 section 50a-101] arbitration; or (4) any attorney admitted to practice
1580 law in any other state or the District of Columbia from practicing law
1581 in relation to an impeachment proceeding pursuant to Article Ninth of
1582 the Connecticut Constitution, including an impeachment inquiry or
1583 investigation, if the attorney is retained by (A) the General Assembly,
1584 the House of Representatives, the Senate, a committee of the House of
1585 Representatives or the Senate, or the presiding officer at a Senate trial,
1586 or (B) an officer subject to impeachment pursuant to said Article Ninth.

1587 Sec. 41. (NEW) (*Effective October 1, 2007*) (a) Upon the written
1588 consent of the next of kin of a deceased person, the Office of the Chief
1589 Medical Examiner shall release biological material of such deceased
1590 person for the purpose of determining paternity or diagnosing a life-
1591 threatening illness in a living person.

1592 (b) If consent is not provided under subsection (a) of this section,
1593 upon application by an interested person to the superior court for the

1594 judicial district in which the death occurred, the court may order the
 1595 Office of the Chief Medical Examiner to release biological material of a
 1596 deceased person for the purpose of determining paternity or
 1597 diagnosing a life-threatening illness in a living person if the court finds
 1598 that the applicant is a person with a legitimate interest in the biological
 1599 material.

1600 (c) Any biological material released under this subsection shall only
 1601 be released to a licensed clinical laboratory."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	51-14
Sec. 2	<i>October 1, 2007</i>	51-44a
Sec. 3	<i>October 1, 2007</i>	51-50l(a)
Sec. 4	<i>October 1, 2007</i>	52-434(a)
Sec. 5	<i>October 1, 2007</i>	51-51k
Sec. 6	<i>October 1, 2007</i>	51-51l
Sec. 7	<i>October 1, 2007</i>	51-51m(a)
Sec. 8	<i>October 1, 2007</i>	51-51n(a)
Sec. 9	<i>October 1, 2007</i>	51-51q
Sec. 10	<i>October 1, 2007</i>	51-51r
Sec. 11	<i>July 1, 2007</i>	51-1b
Sec. 12	<i>July 1, 2007</i>	45a-74
Sec. 13	<i>from passage</i>	52-583
Sec. 14	<i>July 1, 2007</i>	New section
Sec. 15	<i>July 1, 2007</i>	New section
Sec. 16	<i>July 1, 2007</i>	New section
Sec. 17	<i>February 1, 2008</i>	New section
Sec. 18	<i>July 1, 2007</i>	New section
Sec. 19	<i>July 1, 2007</i>	19a-343a(c)
Sec. 20	<i>July 1, 2007</i>	51-164x
Sec. 21	<i>July 1, 2007</i>	4-173
Sec. 22	<i>July 1, 2007</i>	51-36(a)
Sec. 23	<i>July 1, 2007</i>	51-36(d)
Sec. 24	<i>October 1, 2007</i>	52-180
Sec. 25	<i>October 1, 2007</i>	52-259b
Sec. 26	<i>October 1, 2007</i>	53a-39a(a)
Sec. 27	<i>October 1, 2007</i>	54-33c

Sec. 28	<i>October 1, 2007</i>	54-56d(d)
Sec. 29	<i>October 1, 2007</i>	54-56d(f)
Sec. 30	<i>October 1, 2007</i>	54-56g(b)
Sec. 31	<i>October 1, 2007</i>	54-143b
Sec. 32	<i>October 1, 2007</i>	30-89(b)
Sec. 33	<i>October 1, 2007</i>	52-259a
Sec. 34	<i>from passage</i>	54-103b
Sec. 35	<i>October 1, 2007</i>	54-228(c)
Sec. 36	<i>October 1, 2007</i>	54-230(d)
Sec. 37	<i>July 1, 2007</i>	New section
Sec. 38	<i>July 1, 2007</i>	Senate Bill 1458
Sec. 39	<i>from passage</i>	51-88(a)
Sec. 40	<i>from passage</i>	51-88(d)
Sec. 41	<i>October 1, 2007</i>	New section